

MONTGOMERY COUNTY
FIRE AND RESCUE COMMISSION

MINUTES

JANUARY 13, 2000

EXECUTIVE OFFICE BUILDING LOBBY AUDITORIUM
Rockville, Maryland

COMMISSIONERS PRESENT:

Gordon A. Aoyagi, Chairman
Anita Powell, Vice Chairman
Fernando Bren
Robert Freeman
Leonard J. Marco
Ronald Ogens
Tom Carr
Paul Sterling, Jr.

STAFF PRESENT:

Neil Shorb, Staff Director
Annette Cheng, Office Services Coordinator
Richard Melnick, OCA

OTHERS PRESENT:

Chief Roger W. Strock, DFRS
Chief David S. Dwyer, DVFRS
Josephine Phillips, Kensington VFD
Eileen Queenin, DFRS
Marcine Goodloe, MCVFRA
District Chief Ray Mulhall, DFRS
Chief Dennis Urban, Bethesda FD
Steve Lamphier, MCFRS
George Giebel, MCFRS
Captain William Wells, DFRS
Assistant Chief Monte Fitch, DFRS
Deputy Chief Bob Allwang, DFRS
Assistant Chief Mike Love, DFRS
Captain Barry Reid, DFRS
Captain Paul McNeel, DFRS
Captain David Steckel, DFRS
Bonnie Bigenho, MCFRS
Ron Crites, MCFRS
Captain Richard Holzman, MCCFROA
Lieutenant Kevin Frazier, DFRS
Lieutenant Ray Sanchez, DFRS
District Chief Louis Schaub, DFRS
Vice President Eric Bernard, Rockville VFD
Donald M. Phillips, Kensington VFD
John T. Ferguson III, Rockville VFD / MCVFRA
District Chief Mike Clemens, DFRS / PSTA
Chief William A. Hinde, Rockville VFD

Deputy Chief Lowell Jackson, DFRS
Assistant Chief Roger McGary, DFRS
Chief Jim Jarboe, Takoma Park VFD
District Chief Rusty Rothenhoefer, DFRS
Assistant Chief William Henry, DFRS
William Ale, MCCFROA
President Terri Surette, Damascus VFD
Chief S. Darron Long, Damascus VFD
C. Townsend Jones, Hillandale VFD
David C. Jones, Wheaton VRS
Duty Chief Erik Stromberg, Cabin John Park VFD
District Chief Steve Lohr, DFRS
District Chief Andy Johnston, DFRS
District Chief Randy Wheeler, DFRS
Captain Bill Kang, DFRS
Maryland Barnes, DFRS
John Sparks, IAFF Local 1664
Chief Michael Dmuchowski, Germantown VFD
Lieutenant Robert Stojinski, MCCFROA
Chief George Pitts, Jr., Glen Echo VFD
Chief Craig Baker, Burtonsville VFD
Amy Davis, IAFF Local 1664
Chief Donald Flinn, Silver Spring VFD
John Rives, Wheaton VRS
Chief Lewis German, Bethesda-Chevy Chase RS
Deputy Chief Mike Kelley, Sandy Spring VFD

100 - CALL TO ORDER

The meeting of the Fire and Rescue Commission was called to order by Chairman Aoyagi at 7:15 p.m. in the Lobby Auditorium of the Executive Office Building in Rockville, Maryland.

Fire Administrator Aoyagi announced that per Maryland State Government Article § 10-508(a)(1), the Commission held a closed session on December 9, 1999 at 10:07 p.m. in the Auditorium of the Executive Office Building, Rockville, Maryland. In attendance were Fire Administrator Aoyagi and Commissioners Bren, Freeman, Carr, Marco, Ogens, Powell and Sterling; Mr. Shorb and Mrs. Cheng of the Commission staff. The motion to adjourn to a closed session was made by Commissioner Marco, seconded by Commissioner Bren and passed. The minutes of the September 30, October 14 and November 18, 1999, meetings were approved and one personnel matter was discussed.

101- Report of the Chairman

Chairman Aoyagi thanked the commissioners for their hard work in the past year. On behalf of the County Executive and the Chief Administrative Officer, Chair Aoyagi extended his appreciation to all members of the Fire and Rescue Service who assisted the County in the preparation for Y2K. As Chair of the Emergency Management Group, Chair Aoyagi is pleased to report that everything went well during the rollover to Year 2000. There was only one accident on the beltway and there were no fatalities in Montgomery County. First Night Montgomery held at the Fair Grounds reported very large crowds and there were no major incidents or problems.

- *EMBRs Security – Report*

Handouts were distributed.

Chair Aoyagi reported that at last month's meeting, the Commission had an extensive discussion regarding security provisions on FIRES now called EMBRS. Representatives from a local fire and rescue department had expressed concerns about security issues. He stated several attempts were made to schedule a meeting with the local fire department to discuss their concerns without success.

Ms. Bigenho briefed the Commission on EMBRS Security plans, the timing for installation of Windows NT and process used to include the LFRDs in the security study.

- *Quasi-Judicial Officer Legislation*

Fire Administrator Aoyagi gave a briefing on Quasi-Judicial Officer Legislation. A copy of the memo from Director Bialek of the Office of Intergovernmental Relations is included in tonight's FRC agenda packet.

- *FY01 Capital Improvements Program Budget*

Fire Administrator Aoyagi gave a report on the recommended FY01 Capital Improvements Program Budget. Handouts were distributed. He highlighted the items included in the County Executive's recommendations involving the fire and rescue service.

- *FY01 Operating Budget*

Fire Administrator Aoyagi gave an overview on FY01 operating budget. Handouts were distributed. The goals and objectives were discussed, including the ones the MARC requests.

Fire Administrator Aoyagi suggested the Commission meet within the next ten days to discuss the FY01 operating budget and identify any special priorities that need to be addressed to the County Executive and the County Council. The current MCFRS FY00 operating budget is about \$91M.

Some FY01 goals were identified such as:

- ❖ Improve equipment, apparatus reliability and facility maintenance
- ❖ Plan and implement automation, communication and technology improvements (implementation of the 800MHZ system)
- ❖ Increase staff support to DVFRS
- ❖ Enhance MCFRS recruitment, fitness, training and retention
- ❖ Meet service and staffing requirements
- ❖ New initiatives

- *Amoss Funds Priorities*

A copy of the proposed Senator Amoss Fund procedure was distributed at tonight's FRC meeting. Chair Aoyagi indicated that changes were incorporated into the draft as a result of discussions with MCVFRA representatives Dr. Robert Wilson and Marcine Goodloe. The matter will be deferred to the next FRC meeting to allow for further discussion.

102- *Approval of Minutes of December 9, 1999 Meeting*

A MOTION was made by Commissioner Freeman to approve the minutes of December 9, 1999, meeting of the Fire and Rescue Commission. MOTION SECONDED by Commissioner Bren and PASSED with Commissioners Bren, Carr, Freeman, Marco, Powell and Sterling voting for the motion and Commissioner Ogens absent from the vote.

200- **CONSENT CALENDAR**

201- *Damascus VFD Station 13 Box Area Changes*

A MOTION was made by Commissioner Marco to approve the Consent Calendar. MOTION SECONDED by Commissioner Sterling.

Chief Long of DVFD stated that he did not receive the memorandum dated December 13, 1999 pertaining to the Station 13 box area change. He requested the Commission defer action on this item to the February FRC meeting.

A MOTION was made by Commissioner Sterling to defer action on item 201 - DVFD box area changes - to the February FRC meeting. MOTION SECONDED by Commissioner Carr and PASSED unanimously.

202- *Request to Retain Vehicle – Upper Montgomery County VFD*

The Upper Montgomery County VFD (UMCVFD) has recently replaced a 1992 Jeep Cherokee with a new support vehicle. When a vehicle is replaced, the old vehicle is usually disposed of. The UMCVFD is requesting to retain the 1992 Jeep Cherokee which will be used by the UMCVFD Auxiliary to provide canteen services.

Commissioner Carr raised concerns that this vehicle will be an additional vehicle to the UMCVFD fleet. He suggested that we look at the possibility of replacing the 1992 Jeep Cherokee with another higher mileage vehicle for canteen service use.

A MOTION was made by Commissioner Sterling to approve the request of the UMCVFD for an additional vehicle which will be determined by the Fleet Management for use as a canteen and that this vehicle be maintained with County tax funds. MOTION SECONDED by Commissioner Powell and PASSED with Commissioners Bren, Marco, Sterling and Powell voting for the motion, Commissioners Carr and Freeman voting against and Commissioner Ogens absent from the vote.

300- FIRE AND RESCUE COMMISSION COMMITTEE REPORTS

301- Operations

Commissioner Ogens reported the Operations Committee met on January 5, 2000. At the meeting, the Committee considered the recommendation of the Rescue Pumper Subcommittee regarding the assignment of a rescue pumper at Station 31. The Committee developed proposed changes to the IECS policy for recommendation of approval by the FRC. The Committee also discussed the correspondence distribution issue. Due to the length of the Committee meeting, the Non-Emergency Reassignment of Apparatus Policy and the Helicopter Standby Policy were deferred to the February Operations Committee meeting.

Commissioner Ogens advised that the Operations Committee will meet on February 1, 2000 at 7:00 p.m. in the EOB 12th floor conference room.

302- Human Resources, Safety and Training

Commissioner Powell reported that the Human Resources, Safety and training Committee met on January 10, 2000. Items discussed were: update on Driver Training Manual, update on Medical Standards, update on Code of Ethics, update on Public Safety Day, and a report on the Wellness Initiative.

303- Finance, Technology and Planning

Commissioner Bren reported that the Finance, Technology and Planning Committee had a retreat on January 7, 2000 at the Rockville Civic Center. The Committee focused on refining the mission statements of the Committee and its Subcommittees, prioritizing the tasks of the Committee and its Subcommittees, and supporting the mission statements of the Committee and its Subcommittees. In addition, the FTP Committee will meet with the strategic planning consultants on January 13 and January 21, 2000 in the 12th floor conference room.

400- BUSINESS ITEMS

401- Senator Amoss Fund Policy and Procedure

A new draft copy of the Senator Amoss Fund Policy was distributed at tonight's meeting. Chairman Aoyagi requested this item be deferred to the next monthly meeting to allow the Commissioners an opportunity to review the document and to provide opportunity to resolve any outstanding issues with MCVFRA.

402- Rescue Pumper Subcommittee Report

Commissioner Sterling reported that at the Operations Committee meeting on January 5, 2000, the Committee considered the recommendation of the Rescue Pumper Subcommittee to drop the concept of a rescue pumper at Station 31. The Subcommittee cited three reasons for this recommendation: 1) the assignment of a rescue pumper at Station 31 is not a viable concept, 2) although portions of Station 31's area is beyond the 10 minute FRC rescue squad response time goal, the response of a rescue squad into this area is reasonable, and 3) the recommendation of the Water Supply Work Group calling for a tanker to be assigned to Station 31 could have an impact on the rescue pumper concept.

A MOTION was made by Commissioner Freeman to accept the recommendation of the Operations Committee to drop the concept and assignment of a rescue pumper at the RVFD Station 31. MOTION SECONDED by Commissioner Marco and PASSED unanimously.

403- Revision of IECS Regulation

Chairman Aoyagi reported that Chapter 21-8(a) of the Montgomery County states that the Fire and Rescue Commission must adopt by regulation an integrated emergency command structure (IECS), applicable to all IECS certified providers of fire, rescue and emergency medical services on all emergency incidents. The Commission regularly must review the integrated emergency command structure regulations and, if at least five members vote in favor of any change that will improve public safety, amend them as necessary.

Chair Aoyagi then described the Executive Regulation process for adopting the IECS. He noted that the FRC action tonight involves adoption of the proposed IECS changes for public hearing. After the public hearing, the FRC will then adopt the IECS and initiate the consideration of the Executive Regulation by the County Executive and County Council. He interpretes the law as requiring five members voting in the affirmative for any changes to the IECS which improves public safety. Accordingly, the vote to initiate the Executive Regulation process for IECS changes requires five votes. Commissioner Ogens recommended that the adoption of any changes to the IECS include a finding by the FRC that the changes result in improvements to Public Safety.

Chair Aoyagi reported that after extensive work by a subcommittee and a comment period, including consultation with the Chiefs Committee, the proposed changes appear to be acceptable except for one provision. The main concern seems to be the issue regarding the deletion of the current language from section 4.b.4 as it relates to the arrival of two officers of equal rank on the scene of an incident. He advised this should not be thought of as a career versus volunteer issue. He stated our primary focus should be how

to improve the public safety and how to maintain the integrity of command to ensure the public is best served.

Because of the extensive comment period previously provided, Chair Aoyagi advised the comment period will be limited to the four primary resource groups, the Chiefs Committee and any general public members. Comments should be limited to five minutes.

❑ *Comments from the Fire Board – Vice President Eric Bernard, Rockville VFD*

Mr. Bernard reported the Fire Board strongly opposes the change related to the issue of two officers of equal rank on the scene. He stated that the main premise of this argument has been proposed as a need for unification. However, the Fire Board feels this change does not make an argument for unification. He advised there have been several changes made to the document since July, 1999. The Fire Board feels there is no need to make this major change. The Fire Board agrees with the Chairman it is not a career vs. volunteer issue, but that each local fire department must abide by its state charter. A violation with the state charter could occur if the volunteer chief having jurisdiction cannot assume command over the emergency incident. Mr. Bernard is asking the FRC to review this document further.

❑ *Comments from the Montgomery County Career Fire and Rescue Officer's Association – Richard Holzman, Chairman*

Mr. Holzman thanked the Commissioners for the opportunity to comment tonight and asked for their support for the IECS policy as proposed. There was extensive discussion on the policy and the need for change at both the Chiefs Committee and the Operations Committee meetings. The change reflects the need for a strong, consistent command presence and recognition of the need for equal access and opportunity for all participants in the service. Mr. Holzman stated change in command should not be based on affiliation but on operational needs and the need of the incidents and the health or safety of individuals providing service on the scene. He advised this is not an issue of career vs. volunteer, but an issue of policy and meeting the changes in the law and the system. He urged the FRC to demonstrate leadership for the combination system.

❑ *Comments from the Montgomery County Volunteer Fire and Rescue Association – Robert Wilson, Chairman*

Dr. Wilson stated the officer who arrives on the scene of an emergency incident with the best knowledge of the geography of where the incident occurs is the person who can best serve the public safety. He believes the LFRD officers have this knowledge.

❑ *Comments from the Montgomery County Career Firefighters- John Sparks, President*

Mr. Sparks suggested the FRC consider these following changes:

- page 9, sec.5.f – Administrative Leave/Suspension: delete *chief* after LFRD, add (c) to 21-3(g)
- page 8, sec.5.g – Appeals: add *pursuant to Montgomery County Code Section 21-7* after the first sentence.

Mr. Sparks reported Local 1664 supports the changes recommended by the Chiefs Committee and the Operations Committee.

❑ *Comments from the Chiefs Committee – Dennis Urban, Chair/Chief, BFD*

Chief Urban reported the Chiefs Committee had an extensive discussion regarding the issue of two officers of equal rank on the scene at its December 2, 1999 meeting. There was a significant consensus given to the changes recommended by the Chiefs Committee. In the letter addressed to the Operations Committee, Chief Urban stated the changes were adopted either by motion or by consensus.

Chief Urban reported the Chiefs Committee were not given an opportunity to review the changes made by the Operations Committee at its January 5, 2000 meeting and by four commissioners at a FRC special meeting with Chair Aoyagi on Tuesday night.

Chair Aoyagi reported the original draft was revised by the Chiefs Committee and the Operations Committee made subsequent changes to the document based on the materials provided by the Chiefs Committee. He also reported the purpose of his meeting with the four commissioners was to have a better understanding on the background of this issue and to determine if common ground could be found in any amending language on this issue.

Commissioner Ogens reported the Operations Committee did not adopt every recommendation the Chiefs Committee proposed. However, the Operations Committee did not change the Chiefs Committee's fundamental recommendation to eliminate the assumption of command by an LFRD officer when there were two officers of equal rank as the highest ranking officer on the scene. The Operations Committee adopted the changes recommended by the Chiefs Committee, which involved having the first arriving, highest ranking officer be the incident commander if there were two highest ranking officers of equal rank on the scene. He assured Chief Urban that changes to the document were not made arbitrarily.

❑ *Comments from the Division of Volunteer Fire and Rescue Services – Chief Dwyer*

Chief Dwyer reported we should look into the 24-hours maintenance of the IECS. He supports the key issues of the Fire Board, the MCVFRA and the Chiefs Committee. Chief Dwyer stated we should not change the policy if it works.

❑ *Comments from the Division Fire and Rescue Services – Chief Strock*

Chief Strock requested the FRC consider this issue on its merit and disregard any personal emotion. He stated the Division of Fire and Rescue Services agrees with the recommendation taken by the Operations Committee and the Chiefs Committee.

Chief Strock reported that Chair Ogens of the Operations Committee appointed a work group comprising of Assistant Chief Fitch, Deputy Chief Kelley, Chief Dwyer, Mr. Giebel and himself to develop this policy. The work group met numerous times and had extensive discussion. Chief Strock believes it is a good policy as proposed. He stated we should reinforce the combination system that is required by Chapter 21. He also referred to a court decision stating that local department affiliation does not bestow priority for command.

A MOTION was made by Commissioner Carr to approve the IECS policy as recommended by the Operations Committee. MOTION SECONDED by Commissioner Freeman.

❑ *Comments from the Commissioners*

Commissioner Carr stated Bill 37-97, Chapter 21 required adequate public safety, health and welfare be efficiently delivered and equitably administered. The policy also states that all County officials, employees, volunteers, and local fire and rescue departments actively encourage a combined service delivery system provided by local and County resources which strives to offer equal opportunities and fair treatment for all personnel. Chapter 21 also states that no one of equal rank should be treated differently in the IECS. Commissioner Carr agrees with Chief Dwyer, Mr. Bernard and Mr. Wilson that we should defer to the individuals with the best knowledge of the incident, the incident scene, and the area. However, that does not infer the person with the best knowledge is solely from the LFRD.

Commissioner Freeman reported this is a policy revision and not an enforcement issue. He commented if the system is truly integrated, we should be integrated instead of segregated.

Commissioner Powell inquired how often do higher ranking officer and equal ranking officer take charge at the scene of an incident. Chair Aoyagi stated higher ranking officer usually would take charge because of their knowledge and experience. Chief Strock reported depending on the activities of an emergency incident, a higher ranking officer or an officer of equal rank could take charge of an incident.

Commissioner Bren inquired how effective the command structure could be when the later arriving officer of equal rank takes charge over a first arriving officer of equal rank. He stated he has heard no argument which would convince him not to support the change as proposed.

Commissioner Sterling stated he has not heard how the proposed changes would be an improvement to public safety.

Chair Aoyagi reported this is not a matter of volunteer vs. career. This is an issue of public safety and safety of our personnel on the scene of an incident in our combined system. He suggested the commissioners vote on this policy unanimously as opposed to the five votes needed as required by the law in order to pass it to demonstrate to the service that we are compelled to achieve the need for a combined system in the MCFRS.

Commissioner Ogens suggested the FRC consider the recommended changes to the IECS policy as a whole as opposed to solely one section of the policy to improve the safety of the public.

A MOTION was made by Commissioner Carr to amend the motion that having considered the suggested changes to the IECS policy, a finding is made that the changes would result in the improvement to public safety. MOTION SECONDED by Commissioner Freeman and PASSED with Commissioners Bren, Carr, Freeman and Ogens voting for the motion and Commissioners Marco, Powell and Sterling voting against.

Chair Aoyagi expressed concern that the proposed changes to the IECS would not be approved with the minimum of five votes.

Chair Aoyagi proposed the following amendment to the IECS policy, page 6, sec.4.4:

When two officers of equal rank are the only ranking officers on the scene, the first arriving officer is the Incident Commander. If the second arriving officer is a first due LFRD officer or

has unique geographical or technical knowledge, deference may be given to that officer to assume command with a face-to-face meeting.

Commissioner Bren proposed the following changes to the amended motion:

- 2nd sentence: add *of equal rank* after *the second arriving officer*
- 2nd sentence: strike *LFRD*

A MOTION was made by Commissioner Bren to amend the original motion to include the new proposed language to the IECS policy, page 6, sec.4.4. MOTION SECONDED by Commissioner Ogens and FAILED with Commissioners Bren, Freeman and Ogens voting for the motion and Commissioners Carr, Marco, Powell and Sterling voting against.

A MOTION was made by Commissioner Marco to table this matter regarding to the IECS policy. MOTION SECONDED by Commissioner Ogens and PASSED with Commissioners Bren, Marco, Ogens, Powell and Sterling voting for the motion and Commissioners Carr and Freeman voting against.

500- FIRE AND RESCUE SERVICES REPORTS

501- DVFRS Chief

Chief Dwyer advised of the resignation of Council Member Krahnke due to health problem effective in April. He advised there are reports of solicitors hired by the LFRDs that have allegedly been threatening the public to withhold service if donations are not made. Chief Dwyer stated these solicitors contract with the local fire and rescue departments and are not members of the LFRDs. Chair Aoyagi expressed concern about the implied threat and the loss of public confidence in the system. He asked Chief Dwyer to report to the Commission the actions taken to prevent such occurrences.

502- DFRS Chief

Chief Strock thanked everyone for their help on New Year's Eve. He advised Recruit Class 17 starts on February 14, Recruit Class 16 graduates on March 10. He reported two Essentials Classes have low enrollment as well as class for Truck Company Operations.

503- Report of the Fire Board

Mr. Bernard reported an organization identifying as the Montgomery County Fire Association was soliciting concert tickets to the public.

He commended the FRC for tabling the IECS policy issue this evening.

504- Report of the Montgomery County Fire and Rescue Association

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Mr. Wilson reported he was pleased to meet with the Director regarding the William Amoss Fund issue. He is pleased that Chief Dwyer is looking at incidents where patients were instructed not to contribute to the LFRDs.

505- Report of the Montgomery County Career Fire Fighters

There was no report.

A MOTION was made by Commissioner Carr to adjourn the meeting. MOTION SECONDED by Commissioner Marco and PASSED unanimously.

The meeting was adjourned at approximately 10:35 p.m.

Respectfully submitted,

Gordon A. Aoyagi,
Fire Administrator